



# CITY OF SUFFOLK

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CITY MANAGER

November 3, 2010

Ms. Lisa Jackson  
Administrator  
Water Docket, Environmental Protection Agency  
Mailcode: 28221T  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**RE: Docket ID No. EPA-R03-OW-2010-0736**

Dear Ms. Jackson:

The City of Suffolk, Virginia appreciates the opportunity to submit comments on the Environmental Protection Agency's (EPA) September 2010 Draft Chesapeake Bay Total Maximum Daily Load (TMDL).

The City of Suffolk's MS4 operates under a general Phase II MS4 permit issued by the Virginia Department of Conservation and Recreation. As a small locality in the Tidewater Region of Virginia, we have concerns with the proposed implementation of EPA's "Pollution Diet" and the possible impacts to our community. While we understand and agree that the health of the Chesapeake Bay should be of concern to everyone, and must be addressed, we are concerned with many of the approaches proposed by the EPA. We are apprehensive with regard to the tools being used to both determine the load allocations, and to monitor the diet. We all know most diets prove unsuccessful because they are impossible to stick with; either the diet is too onerous or the results do not come quickly enough. Like the EPA, we are committed to a successful diet. However, in order to be successful, we respectfully request that the criteria to meet the milestones be obtainable for a small community like Suffolk, and affordable for our citizens. Additionally, the schedule established should be realistic in allowing time for the desired results.

With those concerns in mind, the City of Suffolk agrees with the comments provided by the Hampton Roads Planning District Commission, of which Suffolk is a member, and reiterates the points raised by the commission:

- The EPA has not provided reasonable assurance that the urban runoff sector allocations can be achieved by 2025.
- The EPA does not have the legal authority to establish a deadline in the TMDL.

- The EPA has failed to provide the localities with a reasonable opportunity to review, evaluate, and comment on the basis for the proposed allocations.
- The Phase 5.3 model and model inputs are not sufficiently developed to produce reliable predictions.
- The modeling predictions do not justify use of the chlorophyll-a criteria as the basis for the James River basin allocations.

We look forward to continuing to work with the EPA to address the above-noted concerns in an effort to improve the Chesapeake Bay water quality programs.

Respectfully,

A handwritten signature in cursive script that reads "Selena Cuffee Glenn".

Selena Cuffee-Glenn  
City Manager

pc: Patrick Roberts, Deputy City Manager  
Sherry C. Hunt, Chief of Staff  
Eric T. Nielsen, Jr., P.E., Director of Public Works  
Sherry Earley, P.E., Public Works Engineering Manager  
Dwight Farmer, Executive Director/Secretary, Hampton Roads Planning District  
Commission